

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CENTAURO LIQUID OPPORTUNITIES
MASTER FUND, L.P.,

Plaintiff,

vs.

ALESSANDRO BAZZONI, CINQUE TERRE
FINANCIAL GROUP, LTD., CT ENERGIA
LTD., and CT ENERGIA LTD. d/b/a
ELEMENTO LTD.,

Defendants.

Civil Action No. 15-cv-9003 (LTS) (SN)

**DECLARATION OF BYRON PACHECO IN SUPPORT OF
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, BYRON PACHECO, declare as follows:

1. I am an attorney with the law firm of Boies Schiller Flexner LLP, counsel for Centauro Liquid Opportunities Master Fund, L.P. (“Plaintiff” or “Centauro”) in the above captioned matter. I am duly licensed to practice law in the State of New York, and am admitted to practice in the courts of that State, the United States District Courts for the Southern and Eastern Districts of New York, the United States Court of Appeals for the First Circuit, and the United States District Court for the District of Colorado.

2. The matters stated herein are based on my personal knowledge or upon information and belief, and if called upon to testify, I could and would testify competently thereto.

3. I submit this declaration in support of Plaintiff’s Motion for Partial Summary Judgment.

4. Attached hereto as **Exhibit 1** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO00001552- CENTAURO00001553,

[REDACTED]

5. Attached hereto as **Exhibit 2** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO00001485- CENTAURO00001487, an email from Ronald Dagar to Yvonne Morabito, dated January 7, 2015.

6. Attached hereto as **Exhibit 3** is a true and correct copy of the transcript of the deposition of Yvonne Morabito, dated October 7, 2016.

7. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the transcript of the deposition of Yvonne Morabito, dated June 27, 2018.

8. Attached hereto as **Exhibit 5** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0000380-CENTAURO0000401, “BVI Financial Services Commission, Register of Companies Search Report”, dated November 26, 2015.

9. Attached hereto as **Exhibit 6** is a true and correct copy of the transcript of the deposition of Alessandro Bazzoni, dated June 15, 2016.

10. Attached hereto as **Exhibit 7** is a true and correct copy of the transcript of the deposition of Alessandro Bazzoni, dated December 5, 2016.

11. Attached hereto as **Exhibit 8** is a true and correct copy of a document produced by Defendant CT Energia Ltd. d/b/a Elemento Ltd. (“CTEL Malta”) bearing production numbers ELEMENTO002404-ELEMENTO002424, [REDACTED]
[REDACTED].

12. Attached hereto as **Exhibit 9** is a true and correct copy of a document produced by Defendant CTEL Malta bearing production number ELEMENTO001731, dated February 28, 2017.

13. Attached hereto as **Exhibit 10** is a true and correct copy of a document produced by Defendant CTEL Malta bearing production number ELEMENTO001257, [REDACTED]
[REDACTED]

14. Attached hereto as **Exhibit 11** is a true and correct copy of the transcript of the deposition of Richard Rothenberg, dated June 8, 2016.

15. Attached hereto as **Exhibit 12** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO00009048-CENTAURO00009082, the transcript of the deposition of Ruben Goldstein, dated June 24, 2016, taken *In re Cinque Terre Fin. Grp. Ltd.*, No. 16-bk-11086 (Bankr. S.D.N.Y.).

16. Attached hereto as **Exhibit 13** is a true and correct copy of a transcript of the deposition of Ruben Alejandro “Alex” Goldstein, dated June 18, 2018.

17. Attached hereto as **Exhibit 14** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO00008876-CENTAURO00009047, the transcript of the Oral and Telephonic Rule 2004 Examination of Mark G. Walker, dated August 16, 2016, taken *In re Cinque Terre Fin. Grp. Ltd.*, No. 16-bk-11086 (Bankr. S.D.N.Y.).

18. Attached hereto as **Exhibit 15** is a true and correct copy of a document produced by Defendant Bazzoni bearing production numbers AB001781-AB001894, the transcript of the deposition of Albert Alpha, dated June 24, 2016, taken *In re Cinque Terre Fin. Grp. Ltd.*, No. 16-bk-11086 (Bankr. S.D.N.Y.).

19. Attached hereto as **Exhibit 16** is a true and correct copy of the document filed as ECF No. 169, “Declaration of Eduardo Cisneros,” dated December 21, 2017.

20. Attached hereto as **Exhibit 17** is a true and correct copy of the transcript of the deposition of Eduardo Cisneros, dated July 17, 2018.

21. Attached hereto as **Exhibit 18** is a true and correct copy of the transcript of the deposition of Liana Galanti, dated June 5, 2018.

22. Attached hereto as **Exhibit 19** is a true and correct copy of the transcript of the deposition of Carlos Galindez, dated June 22, 2018.

23. Attached hereto as **Exhibit 20** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0000572- CENTAURO0000575, an email from Alessandro Bazzoni to Ronald Dagar, dated April 25, 2014.

24. Attached hereto as **Exhibit 21** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0000751-CENTAURO0000752, an email

[REDACTED]

25. Attached hereto as **Exhibit 22** is a true and correct copy of a press release titled, “CT Energia Announces Wholesale of 1.25 Million Barrels of Fuel in Panama,” dated May 22, 2014, which was published on the website <https://www.prnewswire.com/news-releases/ct-energia-announces-wholesale-of-125-million-barrels-of-fuel-in-panama-260249311.html>.

26. Attached hereto as **Exhibit 23** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0003866, [REDACTED]

[REDACTED]

[REDACTED]

27. Attached hereto as **Exhibit 24** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0003213-CENTAURO0003217, [REDACTED]

[REDACTED]

28. Attached hereto as **Exhibit 25** is a true and correct copy of a document produced by Plaintiff bearing production number CENTAURO0003624-CENTAURO0003625, [REDACTED]

[REDACTED]

[REDACTED]

29. Attached hereto as **Exhibit 26** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0003422- CENTAURO0003423, [REDACTED]

[REDACTED]

[REDACTED]

30. Attached hereto as **Exhibit 27** is a true and correct copy of a document produced by Plaintiff bearing production number CENTAURO0004192-CENTAURO0004194, [REDACTED]

31. Attached hereto as **Exhibit 28** is a true and correct copy of a document produced by Plaintiff bearing production number CENTAURO0003884 [REDACTED]

32. Attached hereto as **Exhibit 29** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO000195-ELEMENTO000199, [REDACTED]

33. Attached hereto as **Exhibit 30** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO-0000055-CENTAURO-0000073, "JOINT VENTURE AGREEMENT," dated September 14, 2009.

34. Attached hereto as **Exhibit 31** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO-0000492- CENTAURO-0000503, "PROMISSORY NOTE," dated May 21, 2015.

35. Attached hereto as **Exhibit 32** is a true and correct copy of the Affidavit of Yvonne Morabito in Support of Plaintiff's Motion for Partial Summary Judgment, dated September 28, 2018.

36. Attached hereto as **Exhibit 33** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0009089- CENTAURO0009193, a certified written transcription of an audio file (CENTAURO0004213).

37. Attached hereto as **Exhibit 34** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0000617- CENTAURO0000618, an email from Richard Rothenberg to Yvonne Morabito, dated September 29, 2015.

38. Attached hereto as **Exhibit 35** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0000504- CENTAURO0000505, a screenshot of CTEL's website page, "© 2015".

39. Attached hereto as **Exhibit 36** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0001453- CENTAURO0001456, [REDACTED]

40. Attached hereto as **Exhibit 37** is a true and correct copy of a document produced by Plaintiff bearing production number CENTAURO0003652, [REDACTED]

41. Attached hereto as **Exhibit 38** is a true and correct copy of a document produced by Plaintiff bearing production number CENTAURO0001151-CENTAURO0001153, [REDACTED]

42. Attached hereto as **Exhibit 39** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0000604- CENTAURO0000606, an email from Richard Rothenberg to Ronald Dagar, dated July 7, 2015.

43. Attached hereto as **Exhibit 40** is a true and correct copy of a document produced by Plaintiff bearing production number CENTAURO0001274, [REDACTED]

44. Attached hereto as **Exhibit 41** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO001333-ELEMENTO001343, [REDACTED]

45. Attached hereto as **Exhibit 42** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0009305-CENTAURO0009331, a certified written transcription of an audio file (CENTAURO-0009083).

46. Attached hereto as **Exhibit 43** is a true and correct copy of an article that was published by Shipping Watch, “Danish Businessman at the Center of Controversial Oil Trade in West Africa,” dated May 16, 2017.

47. Attached hereto as **Exhibit 44** is a true and correct copy of an article that was published by Shipping Watch, “The Way I See It, There Are No Winners in This Terrible Deal,” dated May 16, 2017.

48. Attached hereto as **Exhibit 45** is a true and correct copy of the claim form filed in *D’Amico v. Endofa DMCC*, an action in the High Court of Justice, Queen’s Bench Division, Commercial Court, England, against Endofa DMCC and Cinque Terre Financial Group, Ltd., dated August 21, 2015.

49. Attached hereto as **Exhibit 46** is a true and correct copy of the Re-Amended Reply to Charterers’ Statement of Defence filed in *D’Amico v. Endofa DMCC*, an action in the High Court of Justice, Queen’s Bench Division, Commercial Court, England, against Endofa DMCC and Cinque Terre Financial Group, Ltd., dated March 29, 2016.

50. Attached hereto as **Exhibit 47** is a true and correct copy of a document produced by Defendant Bazzoni bearing production numbers AB000861-AB000911, [REDACTED]
[REDACTED]

51. Attached hereto as **Exhibit 48** is a true and correct copy of a document filed in *In re Cinque Terre Fin. Grp. Ltd.*, No. 16-bk-11086, at ECF No. 3-3, a letter from Richard Rothenberg, dated April 27, 2016.

52. Attached hereto as **Exhibit 49** is a true and correct copy of a document produced by Defendant Bazzoni bearing production numbers AB001266-AB001274, [REDACTED]

53. Attached hereto as **Exhibit 50** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production number GOLDSTEIN000091, [REDACTED]

54. Attached hereto as **Exhibit 51** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO000109-

ELEMENTO000110, [REDACTED]

55. Attached hereto as **Exhibit 52** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO000244-

ELEMENTO000247, [REDACTED]

56. Attached hereto as **Exhibit 53** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO0002049 [REDACTED]

57. Attached hereto as **Exhibit 54** is a true and correct copy of a document produced by Plaintiff bearing production numbers CENTAURO0000403- CENTAURO0000423, "Memorandum of Association," dated August 18, 2014.

58. Attached hereto as **Exhibit 55** is a true and correct copy of a document produced by Defendant Bazzoni bearing production number AB000809, [REDACTED]

[REDACTED] Attached hereto as **Exhibit 56** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000069-GOLDSTEIN000077, [REDACTED]

60. Attached hereto as **Exhibit 57** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO002402, [REDACTED]

[REDACTED] Attached hereto as **Exhibit 58** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO001047-ELEMENTO001048, [REDACTED]

62. Attached hereto as **Exhibit 59** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO000010-ELEMENTO000012, [REDACTED]

[REDACTED] Attached hereto as **Exhibit 60** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO000857-ELEMENTO000858, [REDACTED]

██████████ Attached hereto as **Exhibit 61** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO001602-

ELEMENTO001606,

65. Attached hereto as **Exhibit 62** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO000282-

ELEMENTO000284

66. Attached hereto as **Exhibit 63** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO001628-

ELEMENTO001631,

67. Attached hereto as **Exhibit 64** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO000682-

ELEMENTO000686,

68. Attached hereto as **Exhibit 65** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO002075-

ELEMENTO002097,

██████████ Attached hereto as **Exhibit 66** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO001223, ██████████

70. Attached hereto as **Exhibit 67** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000143-

GOLDSTEIN000150,

71. Attached hereto as **Exhibit 68** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO002689-

ELEMENTO002691 [REDACTED]

72. Attached hereto as **Exhibit 69** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO002481-

ELEMENTO002485, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

73. Attached hereto as **Exhibit 70** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000160-

GOLDSTEIN000165, [REDACTED]
[REDACTED]

74. Attached hereto as **Exhibit 71** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO001640-

ELEMENTO001642, [REDACTED]

75. Attached hereto as **Exhibit 72** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000151-

GOLDSTEIN000152, [REDACTED]

76. Attached hereto as **Exhibit 73** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000241-

GOLDSTEIN000247, [REDACTED]
[REDACTED]

77. Attached hereto as **Exhibit 74** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO002171-

ELEMENTO002196, [REDACTED]

78. Attached hereto as **Exhibit 75** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO000105-

ELEMENTO000106, [REDACTED]

79. Attached hereto as **Exhibit 76** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO000917-

ELEMENTO000920, [REDACTED]

80. Attached hereto as **Exhibit 77** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000124-

GOLDSTEIN000127, [REDACTED]
[REDACTED]

81. Attached hereto as **Exhibit 78** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000128-

GOLDSTEIN000142, [REDACTED]

82. Attached hereto as **Exhibit 79** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000173-

GOLDSTEIN000177, [REDACTED]
[REDACTED]

83. Attached hereto as **Exhibit 80** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000078-GOLDSTEIN000087, [REDACTED]
[REDACTED]

84. Attached hereto as **Exhibit 81** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production number GOLDSTEIN000182, [REDACTED]
[REDACTED]

85. Attached hereto as **Exhibit 82** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000231-GOLDSTEIN000238, [REDACTED]
[REDACTED]

86. Attached hereto as **Exhibit 83** is a true and correct copy of a document produced by Defendant CTEL Malta bearing production numbers ELEMENTO002954-ELEMENTO002988, [REDACTED]
[REDACTED]

[REDACTED] Attached hereto as **Exhibit 84** is a true and correct copy of a document produced by Defendant CTEL Malta bearing production number ELEMENTO002817 [REDACTED]
[REDACTED]

88. Attached hereto as **Exhibit 85** is a true and correct copy of a document produced by Defendant CTEL Malta bearing production numbers ELEMENTO002871-ELEMENTO002882, [REDACTED] dated December 1, 2016.

89. Attached hereto as **Exhibit 86** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO002842-ELEMENTO002844 [REDACTED]

90. Attached hereto as **Exhibit 87** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO002692-ELEMENTO002698, [REDACTED]
[REDACTED]

91. Attached hereto as **Exhibit 88** is a true and correct copy of Form 18-K from the Bolivarian Republic of Venezuela, filed with the Securities and Exchange Commission, dated December 21, 2017.

[REDACTED] Attached hereto as **Exhibit 89** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO000055, [REDACTED]
[REDACTED]

93. Attached hereto as **Exhibit 90** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production numbers ELEMENTO002504-ELEMENTO002518 [REDACTED]
[REDACTED]

94. Attached hereto as **Exhibit 91** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO001253, [REDACTED]
[REDACTED]

95. Attached hereto as **Exhibit 92** is a true and correct copy of a document produced by Defendant CTCL Malta bearing production number ELEMENTO001030-

ELEMENTO001037, [REDACTED]
[REDACTED]

96. Attached hereto as **Exhibit 93** is a true and correct copy of Affidavit of Yvonne Morabito, filed as ECF No. 13, dated November 12, 2015.

97. Attached hereto as **Exhibit 94** is a true and correct copy of Defendant Elemento Ltd.'s Amended Responses and Objections to Plaintiff's First Set of Interrogatories, dated August 20, 2018.

98. Attached hereto as **Exhibit 95** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000118-GOLDSTEIN000123 [REDACTED]
[REDACTED]

99. Attached hereto as **Exhibit 96** is a true and correct copy of the Declaration of Joan Burton Jensen, filed as ECF No. 172, dated December 21, 2017.

[REDACTED] Attached hereto as **Exhibit 97** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000114-GOLDSTEIN000116, [REDACTED]
[REDACTED]

[REDACTED] Attached hereto as **Exhibit 98** is a true and correct copy of a document produced by non-party witness Alex Goldstein bearing production numbers GOLDSTEIN000239-GOLDSTEIN000240, [REDACTED]
[REDACTED]

102. Attached hereto as **Exhibit 99** is a true and correct copy of the Declaration of Liana Galanti, filed as ECF No. 170, dated December 21, 2017.

103. Attached hereto as **Exhibit 100** is a true and correct copy of the Declaration of Carlos Galindez, filed as ECF No. 171, dated December 21, 2017.

104. Attached hereto as **Exhibit 101** is a true and correct copy of the transcript of the July 19, 2018 hearing before the Honorable Laura Taylor Swain.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: September 28, 2018
New York, New York

/s/ Byron Pacheco
Byron Pacheco

BOIES SCHILLER FLEXNER LLP
575 Lexington Avenue
New York, New York 10022

Counsel for Plaintiff Centauro